

IN THE CLAIMS

Please amend the claims to read as follows:

Listing of Claims:

1. (Currently Amended) A reception apparatus comprising:  
a receiver that receives control information on a control channel ~~including control information~~;  
a comparator that compares the control information with a reception capability of the reception apparatus for a data channel; and  
a transmitter that, based on a comparison result in the comparator, transmits an ACK signal or a NACK signal for the data channel when the control information is within said reception capability and transmits neither the ACK signal nor the NACK signal when the control information exceeds said reception capability.
  
2. (Previously Presented) The reception apparatus according to claim 1, further comprising a determiner that determines whether or not the control information is a control information intended for the reception apparatus,

wherein, based on a comparison result in the comparator and a determination result in the determiner, the transmitter transmits the ACK signal or the NACK signal when the control information is within said reception capability and the control information is a control information intended for the reception apparatus.

3. (Currently Amended) The reception apparatus according to claim 1, wherein information on the data channel is received using the control information.

4. (Previously Presented) The reception apparatus according to claim 1, wherein the control channel is HS-SCCH, while the data channel is HS-PDSCH.

5. (Currently Amended) The reception apparatus according to claim 1, wherein when a number of multicode required to receive information on the data channel indicated in the control information exceeds a number of multicode that the reception apparatus is capable of receiving, the transmitter transmits neither the ACK signal nor the NACK signal.

6. (Currently Amended) The reception apparatus according to claim 1, wherein when a modulation scheme used in transmitting information on the data channel indicated in the control information is a modulation scheme that the reception apparatus is not capable of receiving, the transmitter transmits neither the ACK signal nor the NACK signal.

7. (Previously Presented) A radio communication mobile station apparatus comprising the reception apparatus according to claim 1.

8. (Previously Presented) A radio communication method used in a radio mobile station, said method comprising:

(a) determining whether a situation exists in which the control information transmitted on a control channel is a control information intended for the radio mobile station and the control information is within a reception capability of the radio mobile station for a data channel, and

(b) transmitting an ACK signal or a NACK signal for the data channel based on a determination that said situation exists, and transmitting neither the ACK signal nor the NACK signal based on a determination that said situation does not exist.

9. (Currently Amended) A radio communication method used in a radio mobile station, the method comprising:

(a) receiving control information on a control channel including control information;

(b) comparing the control information with a reception capability of the radio mobile station for a data channel; and

(c) based on a comparison result in step (b), transmitting an ACK signal or a NACK signal for the data channel when the control information is within said reception capability and transmitting neither the ACK signal nor the NACK signal when the control information exceeds said reception capability.

10. (Previously Presented) The radio communication method according to claim 9, wherein the data channel is received using the control information.

11. (Previously Presented) The radio communication method according to claim 9, wherein the control channel is HS-SCCH, while the data channel is HS-PDSCH.

12. (Previously Presented) The radio communication method according to claim 9, wherein step (b) comprises comparing a

number of multicode required to receive the data channel indicated in the control information with a number of multicode that the radio mobile station is capable of receiving.

13. (Previously Presented) The radio communication method according to claim 9, wherein step (b) comprises comparing a modulation scheme used in transmitting the data channel indicated in the control information with a modulation scheme that the radio mobile station is capable of receiving.